FUTURE FISHERIES IMPROVEMENT PROGRAM
GRANT APPLICATION
(please fill in the highlighted areas)

I. APPLICANT INFORMATION

A. Applicant Name: Trout Unlimited

B. Mailing Address: 111 N. Higgins, Suite 500

C. City: Missoula State: MT Zip: 59802

Telephone: 406-541-1195 E-mail: rroberts@tu.org

D. Contact Person: Rob Roberts

Address if different from Applicant:

City: State: Zip:

Telephone: E-mail:

E. Landowner and/or Lessee Name (if other than Applicant): Jesse Chaquette

Mailing Address: 2217 Deerfield Lane

City: Helena State: MT Zip: 59601

Telephone: 406-210-7928 E-mail: jesse_chaquette@yahoo.com

II. PROJECT INFORMATION*

A. Project Name: Lilly Orphan Boy Mine Reclamation

River, stream, or lake: Telegraph Creek

Location: Township: 8 Range: 6 Section: 15
Latitude: 46.442808 Longitude: 112.341964 *within project (decimal degrees)*

County: Powell

B. Purpose of Project:

The Lilly Orphan Boy Mine Reclamation project will remove contaminated mine waste from Telegraph Creek and the adjacent streambanks, restore Telegraph Creek to a naturally functioning stream channel and streambanks, and improve water quality to protect fisheries and human health.

C. Brief Project Description:

The Lilly Orphan Boy Mine Site is an abandoned hard rock mine located in Powell County, seven miles south of Elliston, Montana. The site is composed of one and a half acres of land along Telegraph creek - a tributary of the Little Blackfoot River - that is contaminated by metal mining dating from the late 1890's to the early 1950's (by a previous landowner). Characteristics of the site include a headframe, 250-foot shaft and three waste rock piles, totaling approximately 4,000 cubic yards, including one pile that spans Telegraph Creek.

Initial sampling results show that elevated levels of heavy metals have been identified in waste rock and sediments in Telegraph Creek and the adjacent hillslope. As a result, surface water quality standards are exceeded for arsenic, cadmium, copper, lead, and zinc. Waste rock is eroded by Telegraph Creek during spring runoff and contaminated sediment is flushed downstream, affecting the rest of the watershed. As a result, the site was ranked number 14 on the Montana Hard Rock Mine Priority List.

Montana DEQ completed Phase I and Phase II Reclamation Investigations in 2008 and 2010, respectively. The project is currently being undertaken as a partnership between Montana DEQ, Trout Unlimited, the Deer Lodge Valley Conservation District and the Helena National Forest. Montana DEQ will be responsible for the reclamation activity – removal of contaminated mining waste and regrading of the site – and Trout Unlimited will be responsible for the reconstruction of Telegraph Creek and restoration of the riparian area.

Specifically, site reclamation will include removal of the mine wastes and transport to the Lutrell Repository, which is a regional repository used by the EPA, Montana DEQ, and the Forest Service. The following are project activities that will facilitate this process, in chronological order:

Task 1 – Project planning. Finalize engineering drawings and design specifications. Prepare contracts and interagency agreements and permits to authorize response actions.

Task 2 – Improve and realign existing access road and haul routes to facilitate equipment mobilization.

Task 3 – Construct diversion berms on Telegraph Creek to dewater the creek through the Lilly Orphan Boy Mine site and install BMPs for erosion control. Install approximately 300 feet of diversion piping and construct sediment retention basins.

Task 4 – Clear and grub existing vegetation, where applicable, from mine waste removal sites. Rough grade waste removal sites and excavate and stockpile clean topsoil and vegetative debris for soil capping.

Task 5 – Excavate, load, and haul mine waste from Waste Rock Piles 1, 2, and 3 – approximately 4,000 cubic yards. Move primary toxic material to repository site and cap with 24 inches of subsoil and 12 inches of topsoil to prevent contact with surface water and other erosional forces.

Task 6 – Backfill and regrade waste removal sites to create floodplain and match existing hillslopes. Import and spread topsoil and complete final fine grading of sites.

Task 7- Stream reconstruction to restore the natural components and functions of stream dimension, pattern, and profile to Telegraph Creek. Please see attached ***Design Information*** for more specifics on stream channel reconstruction portions of the project.

Task 8 – Site cleanup. Straw and mulch disturbed areas and remove BMPs where appropriate. Remove stream diversion. Revegetation of the mine sites and repository with native grass seed mixes, and conifers/woody species where appropriate.

The total projected budget for the Lilly Orphan Boy Mine Reclamation project is $331,540. Of this total, Trout Unlimited is requesting $29,600 or less than 10% of the overall budget from the Future Fisheries Grant Program. Reclamation work will begin in July 2016 and the project is expected to be completed by late fall 2016.

D. Length of stream or size of lake that will be treated: 300 feet

E. Project Budget:

Grant Request (Dollars): $ 29,600

Contribution by Applicant (Dollars): $ _____ In-kind $ 6,400
(salaries of government employees are not considered as matching contributions)

Contribution from other Sources (Dollars): $ 291,790 In-kind $ 3,750
(attach verification - See page 2 budget template)

Total Project Cost: $ 331,540

F. Attach itemized (line item) budget – see template

G. Attach specific project plans, detailed sketches, plan views, photographs, maps, evidence of landowner consent, evidence of public support and fish biologist support, and/or other information necessary to evaluate the merits of the project. If project involves water leasing or water salvage complete supplemental questionnaire (fwp.mt.gov/habitat/futurefisheries/supplement2.doc).

H. Attach land management and maintenance plans that will ensure protection of the reclaimed area.

III. PROJECT BENEFITS*

A. What species of fish will benefit from this project?:

Fisheries surveys by Montana FWP in 2007 show that brown, brook westslope cutthroat trout are present in Telegraph Creek.

B. How will the project protect or enhance wild fish habitat?:

Through mine waste removal and stream channel reconstruction, the project will greatly improve the creek's ecological function. The new channel will improve sediment and water routing and provide a diversity of habitat. Furthermore, a restored floodplain will allow the creek to achieve dynamic stability and dissipate energy during high flows. The net result will be a creek with fewer sediment sources, lower water temperatures, and greater overall stability.

C. Will the project improve fish populations and/or fishing? To what extent?:

Yes. The project will remove a source of contaminated sediment from the headwaters of Telegraph Creek.

D. Will the project increase public fishing opportunity for wild fish and, if so, how?:

The project will improve water quality in Telegraph Creek and remove a source of contaminated sediment, thereby improving conditions for wild fish in the watershed.

E. The project agreement includes a 20-year maintenance commitment. If you are unable to meet this commitment, please explain why:

Trout Unlimited currently has an agreement with the landowner and will be able to modify accordingly.

F. What was the cause of habitat degradation in the area of this project and how will the project correct the cause?:

Historic mining on Telegraph Creek resulted in waste rock piles that are actively eroding into the creek. This project includes direct remediation of these causes through mine waste removal, regrading hillslopes and reconstructing approximately 300 feet of stream channel.

G. What public benefits will be realized from this project?:

The project will improve water quality in Telegraph Creek and remove a chronic source of contaminated sediment in the headwaters of the watershed.

H. Will the project interfere with water or property rights of adjacent landowners? (explain):

No

I. Will the project result in the development of commercial recreational use on the site?: (explain):

No

J. Is this project associated with the reclamation of past mining activity?:

Yes

Each approved project sponsor must enter into a written agreement with the Department specifying terms and duration of the project.

IV. AUTHORIZING STATEMENT

I (we) hereby declare that the information and all statements to this application are true, complete, and accurate to the best of my (our) knowledge and that the project or activity complies with rules of the Future Fisheries Improvement Program.

Applicant Signature:  Date: 11/30/2015

Sponsor (if applicable):

***Highlighted boxes will automatically expand.**

Mail To: **Montana Fish, Wildlife & Parks**
Habitat Protection Bureau
PO Box 200701
Helena, MT 59620-0701

E-mail To: **Michelle McGree**
mmcgree@mt.gov
(electronic submissions MUST be signed)

BUDGET TEMPLATE SHEET FOR FUTURE FISHERIES PROGRAM APPLICATIONS

Both tables must be completed or the application will be returned

WORK ITEMS (ITEMIZE BY CATEGORY)	NUMBER OF UNITS	UNIT DESCRIPTION*	COST/UNIT	TOTAL COST	CONTRIBUTIONS			
					FUTURE FISHERIES REQUEST	IN-KIND SERVICES**	IN-KIND CASH	TOTAL
Personnel								
Survey				$ -				$ -
Design	200	Hours	$100.00	$ 20,000.00	-	-	20,000.00	$ 20,000.00
Engineering	150	Hours	$120.00	$ 18,000.00	-	-	18,000.00	$ 18,000.00
Permitting	40	Hours	$70.00	$ 2,800.00		2,800.00	-	$ 2,800.00
Oversight	200	Hours	$100.00	$ 20,000.00			20,000.00	$ 20,000.00
Oversight - Stream	80	Hours	$70.00	$ 5,600.00	2,000.00	3,600.00		$ 5,600.00
Labor				$ -				$ -
			Sub-Total	$ 66,400.00	$ 2,000.00	$ 6,400.00	$ 58,000.00	$ 66,400.00
Travel								
Mileage	2000	Miles	$0.55	$ 1,100.00	1,100.00			$ 1,100.00
Per diem				$ -				$ -
			Sub-Total	$ 1,100.00	$ 1,100.00	$ -	$ -	$ 1,100.00
Construction Materials* **								
Rock	75	Cubic Yard	$50.00	$ 3,750.00		3,750.00		$ 3,750.00
Plants	100	Each	$10.00	$ 1,000.00	1,000.00			$ 1,000.00
Coir Fabric	600	Foot	$5.00	$ 3,000.00	3,000.00			$ 3,000.00
				$ -				$ -
				$ -				$ -
			Sub-Total	$ 7,750.00	$ 4,000.00	$ 3,750.00	$ -	$ 7,750.00
Equipment								
Construction BMPs	1	LS	$10,000.00	$ 10,000.00			10,000.00	$ 10,000.00
Diversion berm	1	LS	$2,500.00	$ 2,500.00			2,500.00	$ 2,500.00
Diversion piping	300	Foot	$12.50	$ 3,750.00			3,750.00	$ 3,750.00
Sediment basin	1	LS	$2,500.00	$ 2,500.00			2,500.00	$ 2,500.00
Access improvement	1	LS	$5,000.00	$ 5,000.00			5,000.00	$ 5,000.00
Mine waste removal	4000	Cubic Yard	$27.50	$ 110,000.00			110,000.00	$ 110,000.00
Rough grading	2100	Cubic Yard	$4.80	$ 10,080.00			10,080.00	$ 10,080.00
Runon diversion	600	Foot	$15.50	$ 9,300.00			9,300.00	$ 9,300.00
Fine grading	6200	Square Yard	$2.50	$ 15,500.00			15,500.00	$ 15,500.00
Stream reconstruction	300	Foot	$75.00	$ 22,500.00	22,500.00			$ 22,500.00
Topsoil amendment	1050	Cubic Yard	$35.00	$ 36,750.00			36,750.00	$ 36,750.00
Revegetation	6200	Square Yard	$0.55	$ 3,410.00			3,410.00	$ 3,410.00
			Sub-Total	$ 231,290.00	$ 22,500.00	$ -	$ 208,790.00	$ 231,290.00
Mobilization								
Mobilization	1	LS	$25,000.00	$ 25,000.00			25,000.00	$ 25,000.00
				$ -				$ -
				$ -				$ -
				$ -				$ -
			Sub-Total	$ 25,000.00	$ -	$ -	$ 25,000.00	$ 25,000.00
			TOTALS	$ 331,540.00	$ 29,600.00	$ 10,150.00	$ 291,790.00	$ 331,540.00

(Revised 12/1/2015)

BUDGET TEMPLATE SHEET FOR FUTURE FISHERIES PROGRAM APPLICATIONS

*Units = feet, hours, inches, lump sum, etc.

**Can include in-kind materials. Justification for in-kind labor (e.g. hourly rates used for calculations). Describe here or in text.

***The Future Fisheries Review Panel recommends a maximum fencing cost of $1.50 per foot

MATCHING CONTRIBUTIONS (do not include requested funds)

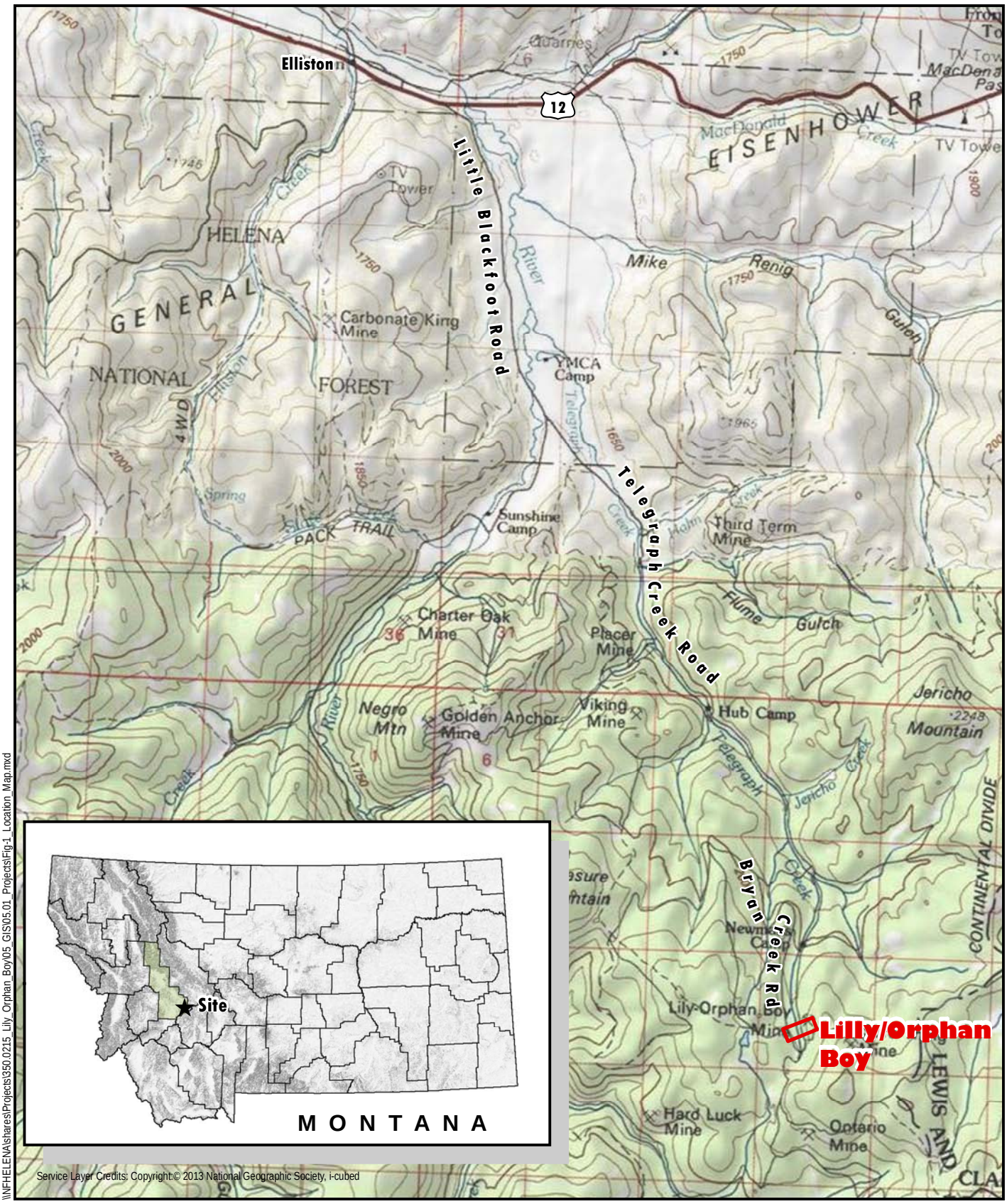
CONTRIBUTOR	IN-KIND SERVICE	IN-KIND CASH	TOTAL	Verified? (Y/N)
Montana DNRC Reclamation and Development Grant	$ -	$ 28,000.00	$ 28,000.00	Yes
Montana DEQ AML Program	$ -	$ 233,790.00	$ 233,790.00	Yes
Montana DEQ 319 Grant	$ -	$ 30,000.00	$ 30,000.00	Yes
Trout Unlimited	$ 6,400.00	$ -	$ 6,400.00	Yes
Jesse Chaquette	$ 3,750.00	$ -	$ 3,750.00	Yes
	$ -	$ -	$ -	
	$ -	$ -	$ -	
	$ -	$ -	$ -	
	$ -	$ -	$ -	
	$ -	$ -	$ -	
TOTALS	$ 10,150.00	$ 291,790.00	$ 301,940.00	

Attachments

for

Lilly Orphan Boy Mine Reclamation

1. **Project Location Map**
2. **Aerial View**
3. **Project Photos**
4. **Map to Lutrell Repository**
5. **Plan View**
6. **Design Information - Stream**
7. **Stream Profile**
8. **Cross Sections**
9. **Design Information**
10. **MFWP Support Letter**
11. **Landowner Support and Agreement**
12. **Partner Letters of Support**



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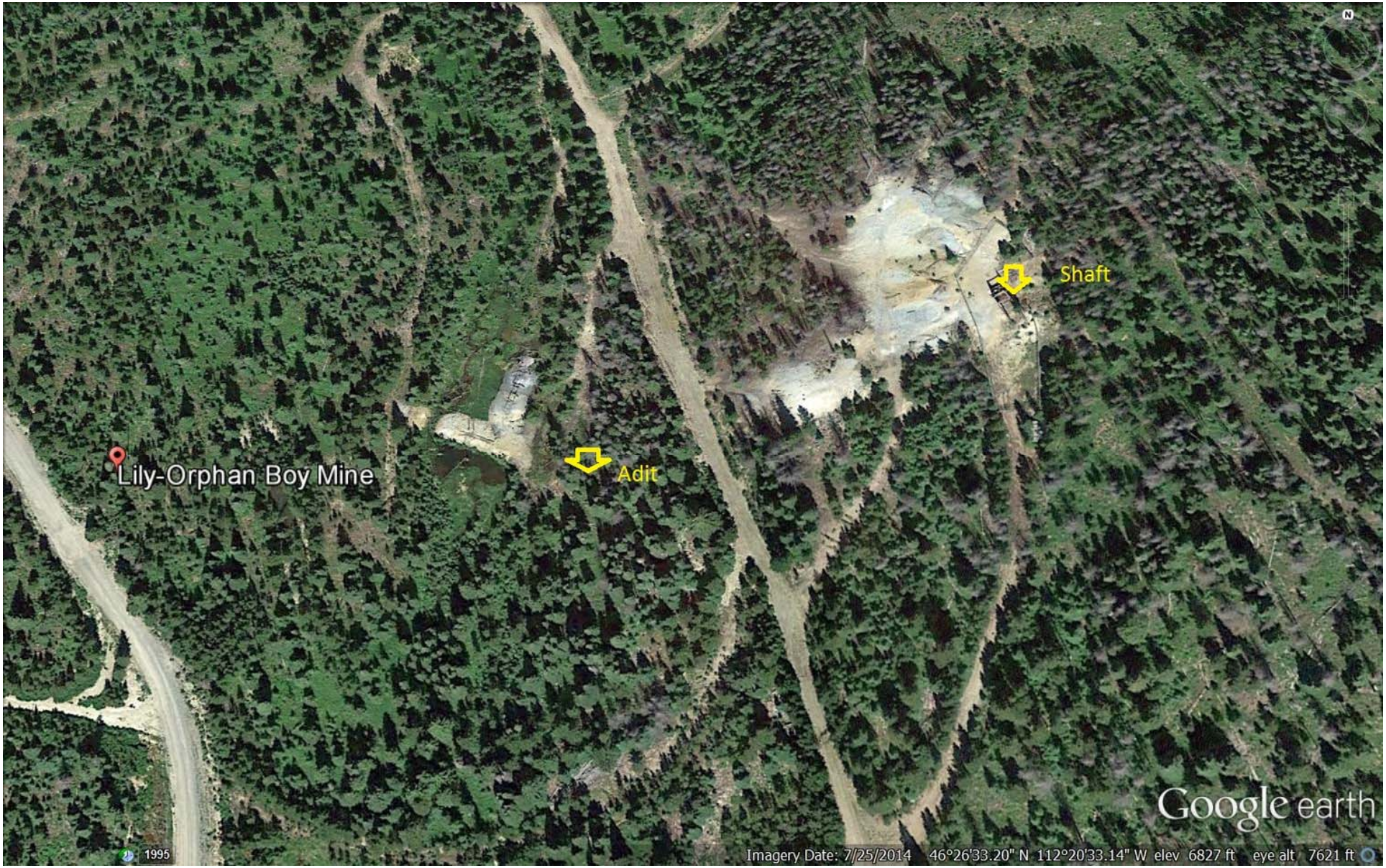
N

0 2

Miles

NewFields

Location Map
Lilly/Orphan Boy Mine
Powell County, Montana
FIGURE 1


Lily-Orphan Boy Mine
Adit
Shaft
Google earth
1995
Imagery Date: 7/25/2014 46°26'33.20" N 112°20'33.14" W elev 6827 ft eye alt 7621 ft

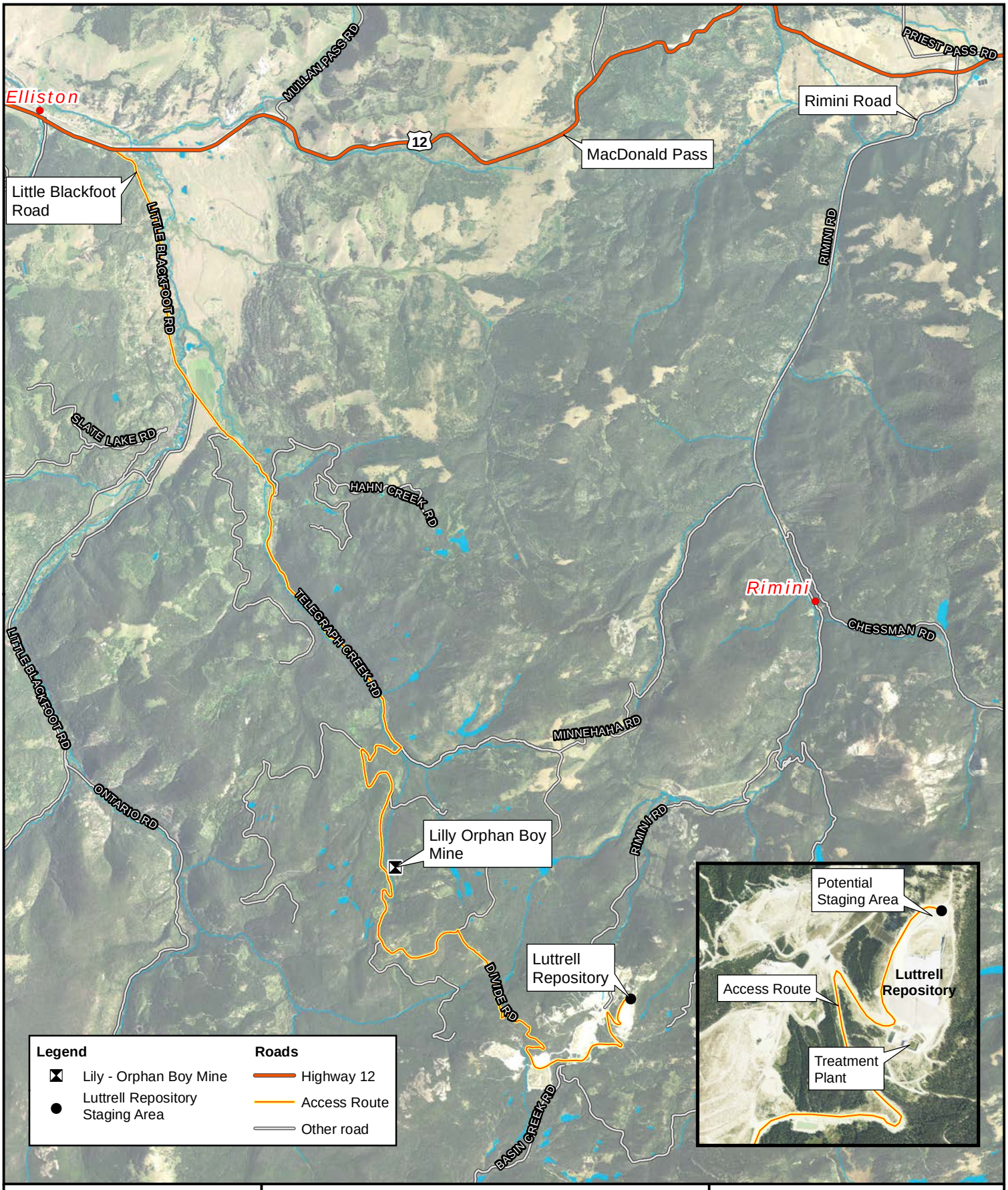
Lilly Orphan Boy Mine - Photos

View across Telegraph Creek

Upper waste rock pile and shaft

Contaminated runoff

Downstream of Waste Rock Pile



DEQ MONTANA

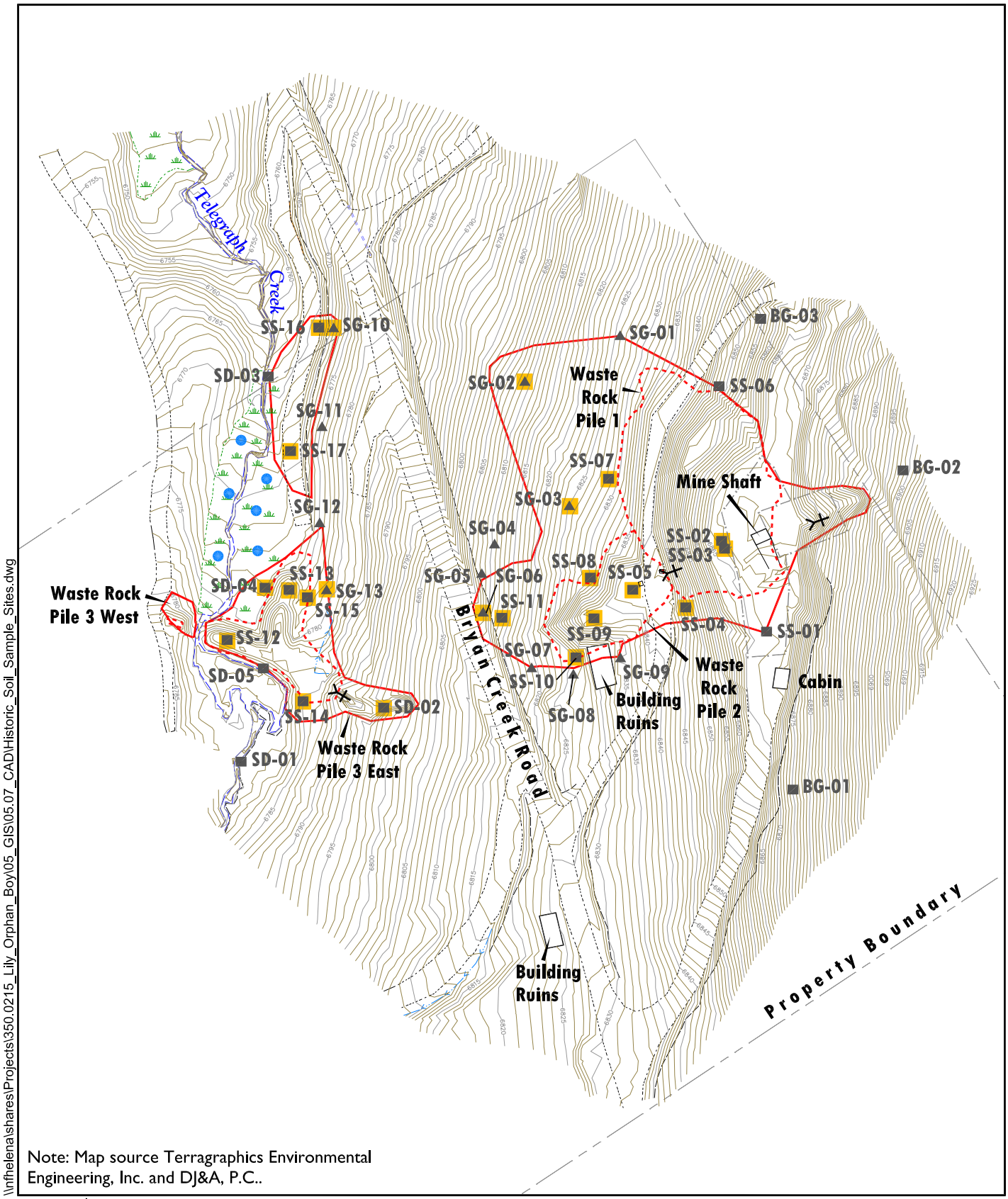
0 1 2
Miles

Aerial Imagery: NAIP (July 2013)

1:95,040
One In = 1.5 Mi

Access to Luttrell Repository

Lewis & Clark and Jefferson Counties, Montana
November 2015



Note: Map source Terragraphics Environmental Engineering, Inc. and DJ&A, P.C..

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North

0 Feet 100

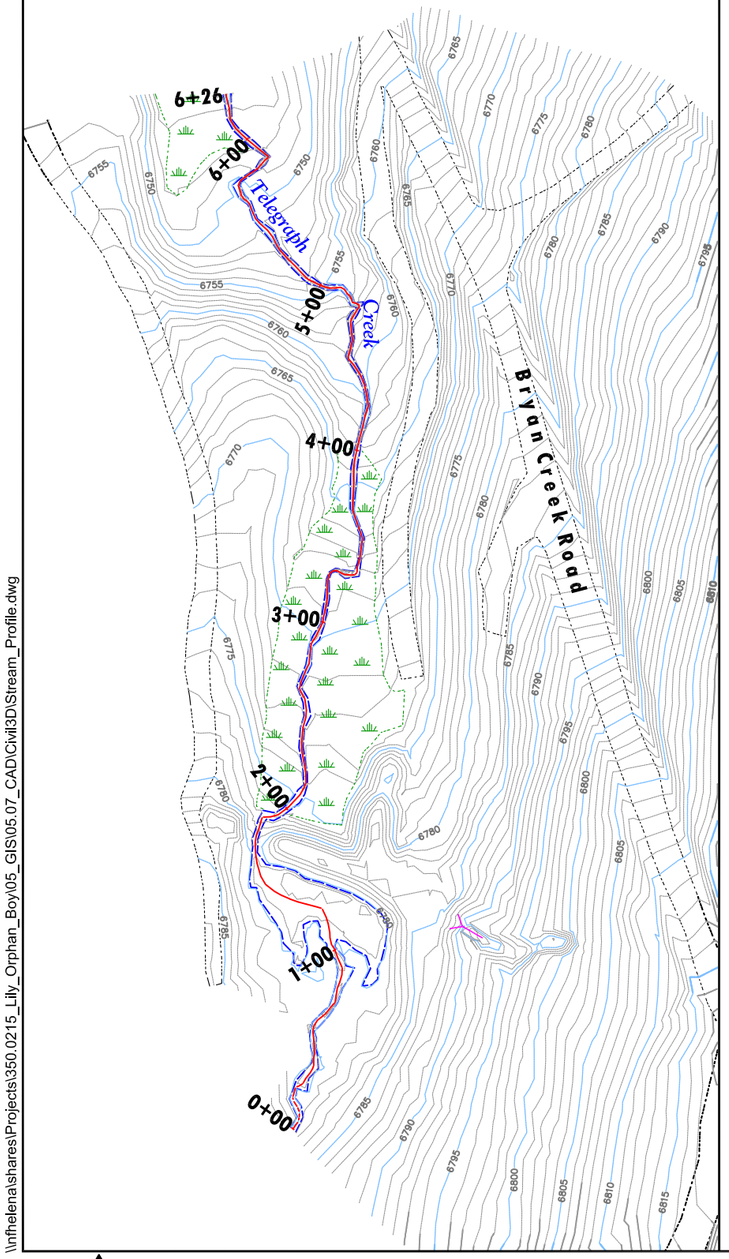
NewFields

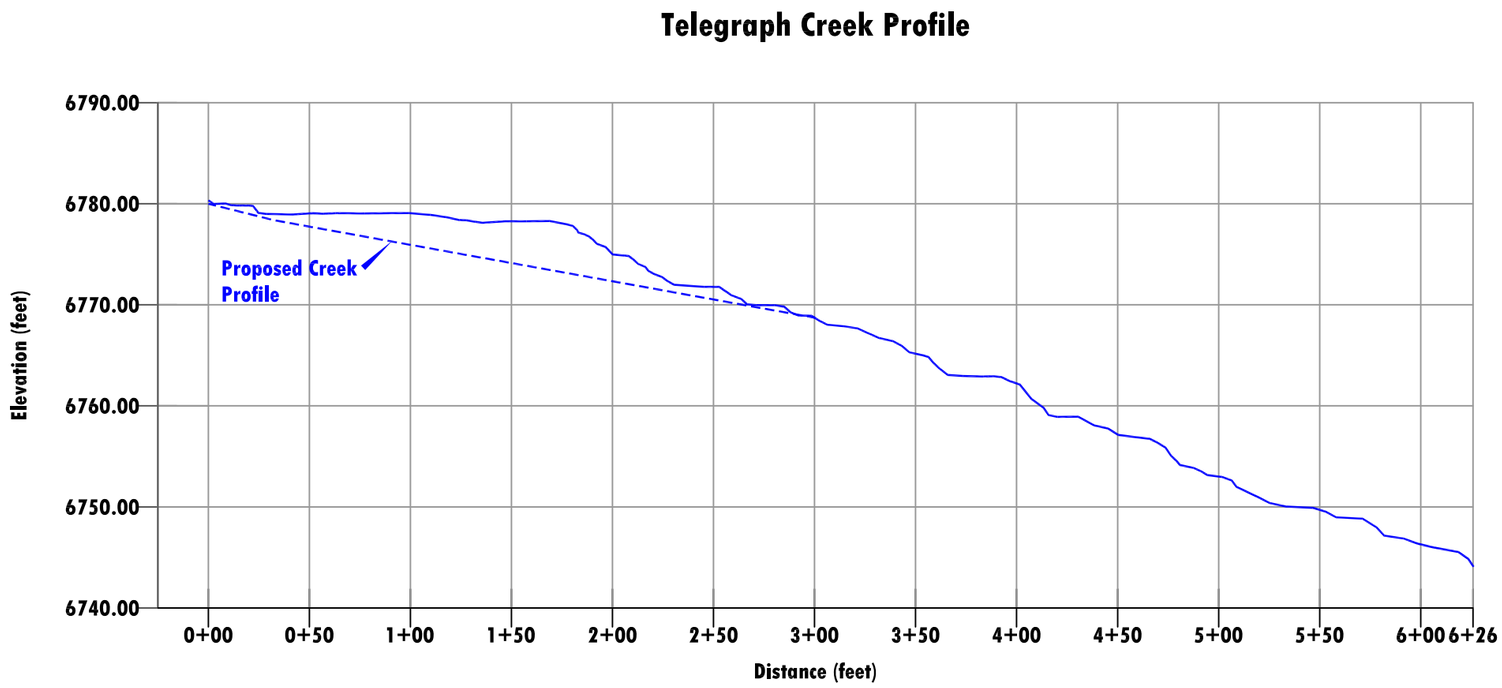
- Phase I Sample Location (2008)
- Phase II Sample Sample Location (2010)
- Waste Boundary (Phase I)
- Waste Boundary (Phase II)
- Proposed Sediment Sample

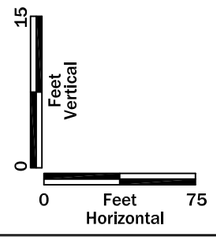
Sample Labels:
BG - Background Soil Sample
SD - Sediment Sample
SS - Surface Sample
SG - Soil Grab

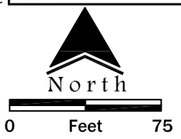
- Exceeds Recreational Cleanup Guideline for Arsenic (323 mg/kg)
- Collapsed Adit

Site Map
Lilly/Orphan Boy Mine
Powell County, Montana
FIGURE 2









NewFields

Telegraph Creek Stream Profile
Lilly/Orphan Boy Mine
Powell County, Montana
FIGURE 1

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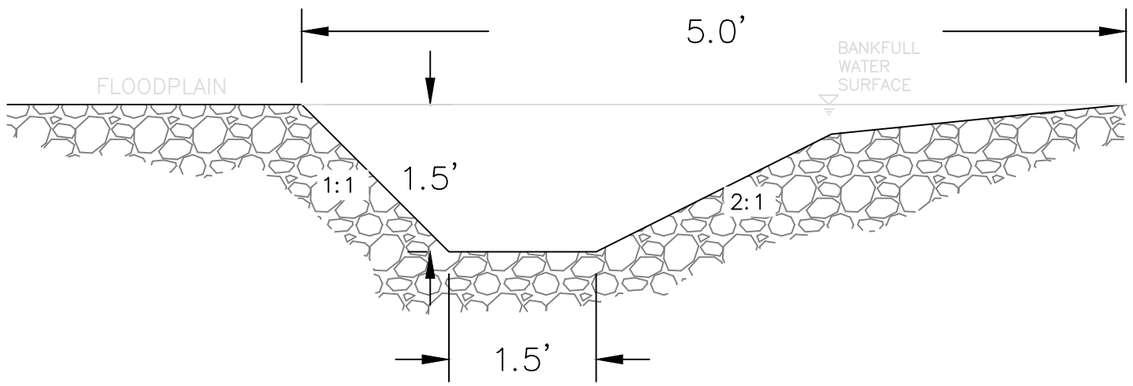
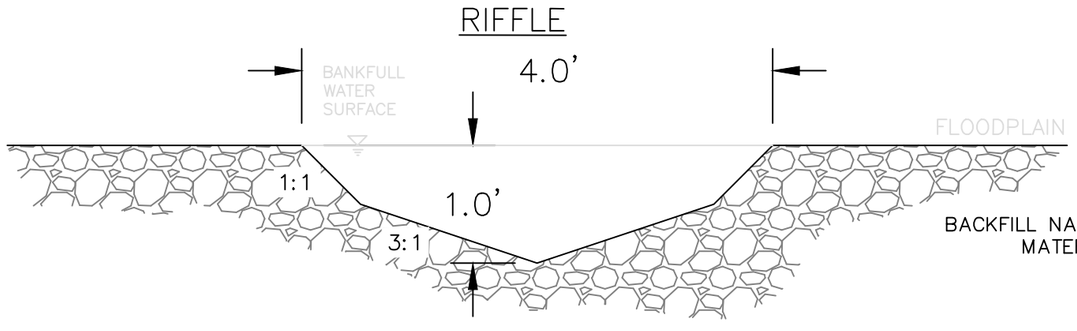
CHANNEL CROSS SECTIONS

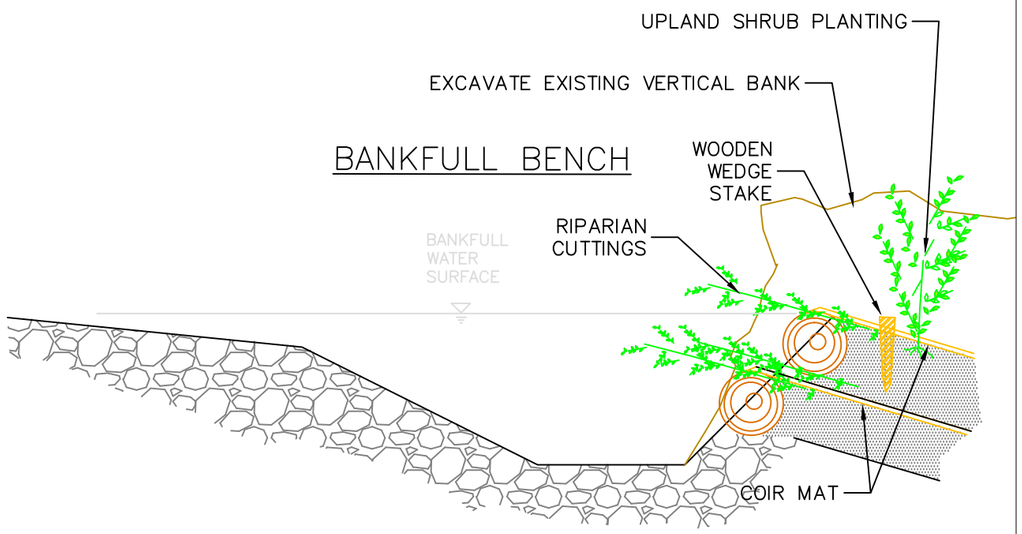
POOL



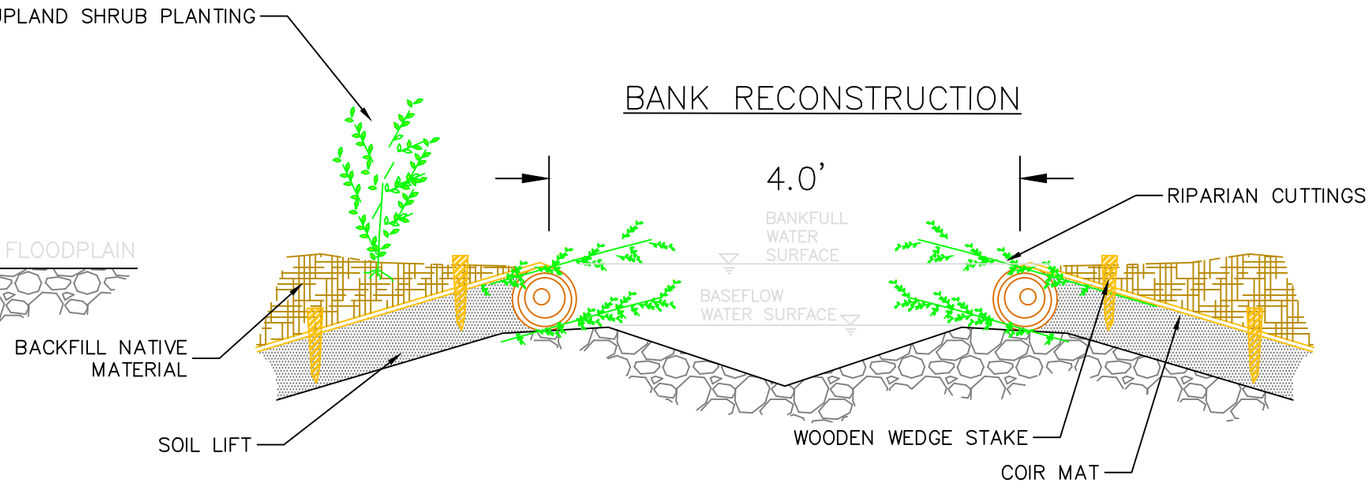
RIFFLE



BANK TREATMENTS



BANK RECONSTRUCTION



Telegraph Creek Cross Sections
Lilly/Orphan Boy Mine
Powell County, Montana
FIGURE 2

FUTURE FISHERIES IMPROVEMENT PROGRAM
GRANT APPLICATION

A. Project Name: Lilly Orphan Boy Mine Reclamation

B. Design Information:

Baseline conditions:

Telegraph Creek in the Lilly Orphan Boy Mine site is a perennial stream channel at an elevation of approximately 6,800 feet. Hydrology is primarily dominated by winter snowfall and snowmelt in the spring, with peak flows occurring between early May and early June, depending on the year. Stream channel conditions are highly modified by the presence of historic mining activity that occurred directly in the stream corridor. Material from the ore body was removed from a nearby adit and dumped directly in the Telegraph Creek floodplain. A longitudinal profile of the stream reach shows that Waste Rock Pile 3 (at 1+70) of the Lilly Orphan Boy Mine formerly acted as a dam in Telegraph Creek and has subsequently blown out, flushing contaminated mine waste downstream and confining the stream channel between the remnants of the mining waste. As a result, Telegraph Creek has aggraded upstream of Waste Rock Pile 3 for approximately 100 feet and has an existing gradient of approximately 1.5 percent. This reach would be characterized as a Rosgen E4. The valley or floodplain width is exaggerated in this area compared to reference conditions and measures at an average of 50 feet. Sediments in this ponded area are relatively fine and wetland grasses have taken root in sediments that are not phytotoxic. Also, at the very upstream portion of this ponded area (0+00), a cluster of immature Engelmann spruce trees, approximately 10 to 15 feet tall are growing on the streambanks and nearby floodplain where Telegraph Creek transitions into reference conditions.

Below Waste Rock Pile 3, Telegraph Creek displays wetland characteristics with a small low flow channel meandering through mining waste and other deposited material. Sediments are very saturated and multiple side channel or rivulets are present in the valley. This reach also has an over widened valley as a result of the mining disturbance and presence of waste rock material. Little riparian vegetation is present beyond scattered wetland grasses and immature conifers. Tree stumps are scattered throughout the floodplain where they were apparently cut for mining timbers and then partially buried by waste deposition. The channel gradient in the reach is approximately 5-6 percent and would be characterized as a Rosgen B3. The stream channel begins to enter a mature forest and reconnect with reference conditions at approximately 3+00.

Reference Reach:

At present and historically at higher elevations, the morphology of Telegraph Creek consists of a steep, confined, environment dominated by a step-pool bedform. Lower reaches historically would have been moderately steep with varying degrees of flat to sloped floodplain. Presently, the project section transitions between E4 and B3 channel types, which means some of the present channel mimics historic conditions relative to stream type, but some portions are substantially confined or aggraded. Confined sections are caused largely by channel relocation against the hillside or by tailing piles, or a combination thereof. In the reference area, bankfull widths ranged between 3 and 6 feet with bankfull depths averaging 1.2 feet. The reference area showed moderate entrenchment as a result of the confined valley which gets steeper as it approaches the continental divide. Sinuosity was typically low at 1.2.

Historic morphology variance is small for a stream like Telegraph Creek. This is because the geology, vegetation, and climatic regimes are relatively stable over long time periods, and a stream is a function of these overall conditions. Currently, this is true for Telegraph Creek above the project area where Telegraph Creek is in a condition that closely replicates the dominant historic channel condition. Morphologic conditions suggest that this condition has remained very similar for hundreds of years. On infrequent and historic occasion, large fire events most likely created periodic overland flow situations, which produced downcutting and/or debris flow events that in essence, temporarily reset the average channel condition. Through the project area, the valley gradient, and thus stream gradient of Telegraph Creek begins to widen and decrease in slope. The stream gradient is such that the stream is transport dominated (average gradients of 4-5 percent).

Design:

This project uses the Reference Approach to project development, where a “target” or “reference” stream is identified and its physical characteristics are copied directly or are scaled to fit the project reach. The width, depth, and slope of the reference reaches, combined with known ranges of planform, are used in combination with analytical and empirical techniques to design the project reach. A reference area was identified upstream of the project section on Telegraph Creek, where the streamchannel was stable – neither significantly aggrading or degrading, bank erosion was limited, and habitat and other assessment indicators were within normal ranges.

Long-term success of this project hinges on the stality of the reach. A “stable” alluvial stream is said to be in dynamic equilibrium when, over the long term, sedimentation processes are balanced such that the channel maintains its general morphology. This project is designed and evaluated on the premises of sediment continuity and incipient motion analysis. The combination of these two approaches ensures that sediments delivered to the upstream end of the project are transported through the project area and bed materials are not eroded. It also requires that bank erosion inputs are rehabilitated to natural levels so there is no sediment source within the project reach that is above natural production levels.

Consequently, choosing design values of 4 and 1.0 feet for bankfull width and depth for riffles and 5 and 1.5 feet at pools appears reasonable.. Along with the slope and entrenchment ratios of the reference areas, these numbers fit well within normal values for a B3 channel type in western Montana, with a sinuosity of approximately than 1.2. The channel will be constructed at an average gradient of 4% to tie in at 0+00 and 3+00 on the upstream and downstream ends of the project section, respectively. The reference or design cross section for riffles and pools is attached to this document,

acknowledging that runs and glides will naturally exist as transition into or out of the other two and that the channel will be constructed in more of a step-pool fashion because of the small channel dimensions. Large rock (1.5ft) will be used to create step pool structures with scour protection and anchor streambanks. Structures will be filled in with cobble and coarse alluvium to create pools and tailouts which disperse energy and trap sediment. In addition, a minimum floodplain width is also established in order to address sections confined by mine tailings. The profile of the stream will remain essentially the same – except for a short relocation reach- recognizing the logistical constraints of working in a confined valley, moving large amounts of material, and the necessity of adapting to site conditions after the mine waste material is removed.

Bank treatments are shown in the attached document. Essentially banks will be constructed using biodegradable fabric in a soil wrap. Transplants from onsite and important riparian cuttings, primarily willow, will be layered (2 per foot) within the soil wrap to facilitate revegetation establishment. Soil wraps will be topped with sod mats from onsite to create appropriate channel dimensions and prevent scour at high flow events. Container stock will be incorporated into the riparian corridor to improve species diversity and improve overall bank cohesion in the long term.

P.O. Box 25
Anaconda, MT 59711
Phone: (406) 563-7435
E-mail: jlindstrom@mt.gov

November 30, 2015

Montana Fish, Wildlife & Parks
Future Fisheries Program, Attn: Michelle McGree
PO Box 200701
Helena, MT 59620

RE: Support for Lilly Orphan Boy Mine reclamation on Telegraph Creek

I would like to offer my support for the Lilly Orphan Boy Mine reclamation project proposed by Trout Unlimited in cooperation with Montana DEQ's Abandoned Mine Lands Program. The Lilly Orphan Boy Mine sits at the headwaters of the Telegraph Creek drainage. Telegraph Creek is a tributary to the upper Little Blackfoot River, a high priority native and recreational trout fishery. Recent sampling in Telegraph Creek conducted by FWP found populations of both native westslope cutthroat trout as well as non-native brook trout. In its current state, the Lilly Orphan Boy Mine is a chronic source of arsenic, cadmium, copper and lead to Telegraph Creek and the Little Blackfoot River. Cleaning up this mine site and reconstructing the stream channel through the area would have a direct benefit to water quality and the fishery of Telegraph Creek and the Little Blackfoot River. Please feel free to contact me with any questions.

Sincerely,

Jason Lindstrom
Montana Fish, Wildlife & Parks
Fisheries Biologist - Upper Clark Fork

SITE ACCESS AGREEMENT

This Site Access Agreement ("Agreement") is entered into by and between Trout Unlimited, Inc., a non-profit organization, and Jesse Chaquette, a private landowner.

RECITALS

A. Mr. Chaquette owns certain real property near Elliston, MT, on which is located the Lilly/Orphan Boy Mine Site (also hereinafter referred to as the "Property").

B. As a result of the historical mining operations on or in the vicinity of the Property, Trout Unlimited, Inc. intends to undertake certain investigations and activities to address the impacts of those historical mining operations (collectively, "Activities").

C. To conduct certain aspects of the Activities, Trout Unlimited, Inc. has requested access to the Lilly/Orphan Boy Mine Site. Mr. Chaquette is providing access to Trout Unlimited, Inc. in order to accomplish the Activities, subject to the terms and conditions of this Agreement.

AGREEMENT

The parties agree as follows:

1. **Grant of Access.** Mr. Chaquette grants permission to Trout Unlimited, Inc. and its representatives, including employees, suppliers, consultants, and contractors (individually and collectively, "TU") to enter the Property at all reasonable times for the sole purpose of conducting the Activities. This grant of access does not extend to any other property owned by Mr. Chaquette other than the Lilly/Orphan Boy Mine Site. This grant of access may be revoked by Mr. Chaquette at any time upon notice to TU.

2. **Interference.** TU shall not allow the Activities on the Property to be performed in a manner that unreasonably interferes with Mr. Chaquette's use or enjoyment of the Property. TU shall not inhibit Mr. Chaquette's access to the Property as a result of the Activities.

3. **Safety.** During the conduct of the Activities, TU shall be solely responsible for the safety of all persons entering the Property on TU's behalf pursuant to this Agreement and for any conditions such persons create on the Property.

4. **Release and Indemnity.** To the maximum extent permitted by law, TU shall release, indemnify, defend, and hold harmless Mr. Chaquette from and against any and all claims, demands, fines, damages, and liabilities arising from any negligent or wrongful act by TU or any of its employees committed while accessing the Property pursuant to this agreement or arising from by any breach of this Agreement by TU. The foregoing obligation of TU shall survive revocation of TU's access rights under this Agreement and termination or expiration of

this Agreement. This clause does not apply to liability pursuant to CERCLA, RCRA, the Clean Water Act or other state and federal environmental protection statutes.

5. **Data and Reports.** TU shall provide Mr. Chaquette with all of its data, reports, and recommendations relating to the Property and the Activities. TU shall provide this information to Mr. Chaquette within 30 days after TU receives it.

6. **Insurance.** TU will carry comprehensive general liability insurance with respect to the Activities undertaken by TU. Such insurance shall be in an amount of not less than One Million Dollars ($1,000,000) per occurrence combined single limit for bodily injury, death, or property damage. TU will undertake its best efforts to ensure that any contractor who enters the property as part of the Activities shall maintain comprehensive general liability insurance in that same amount with respect to their entry on the property and their role in the Activities on the Property, and to ensure that such contractors or suppliers name TU and Mr. Chaquette as additional insureds on that insurance. Upon request, TU shall provide Mr. Chaquette with insurance certificates or other evidence of the insurance coverage required under this Agreement.

7. **Notice.**

7.1 TU shall generally keep Mr. Chaquette informed of when it is accessing the property and for what purpose. TU and Mr. Chaquette shall reach agreement in advance about the timing of the implementation phase of the Activities and all future work pursuant to the Activities will be conducted under a separate agreement.

7.2 All other notices under this Agreement must be sent by first-class mail, personal delivery, or facsimile. Notice is effective upon receipt.

7.3 Notices to Mr. Chaquette shall be directed to:

Jesse Chaquette
2217 Deerfield LN
Helena, MT 59601
Tel.: (406) 210-7928
Email: jesse_chaquette@yahoo.com

Notices to TU shall be sent to:

Rob Roberts
111 N. Higgins, Suite 500
Missoula, MT 59802
Tel.: (406) 540-2944
Email: rroberts@tu.org

8. **Severability.** Should any provision of this Agreement at any time conflict with any law, ruling, or regulation and be unenforceable, that provision shall continue in effect only to the extent it remains valid. If any provision of this Agreement becomes thus inoperative, the remaining provisions shall remain fully effective.

9. **Execution in Counterparts**: This Agreement may be executed in counterparts, all of which shall constitute but one and the same contract.

Jesse Chaquette

DATE: 7/15/15

By: [signature], Lindsay Chaquette
Title: land owner

For TU, Inc.

DATE: 7/15/15

By: [signature]
Title: Project Manager

DEQ
Montana Department
of Environmental Quality

November 30, 2015

Future Fisheries Review Panel
Montana Fish, Wildlife & Parks
Fisheries Division
1420 E. Sixth Ave.
P.O. Box 200701
Helena, MT 59620-0701

Dear Review Panel;

The Montana Department of Environmental Quality (DEQ) endorses the Lily Orphan Boy Mine reclamation project currently proposed by Trout Unlimited. We are very pleased that Trout Unlimited is undertaking this important project. The DEQ Montana Abandoned Mine Lands (AML) Program has spent a great deal of effort investigating the issues with Lily/Orphan Boy Mine and we are very pleased that all of this work can be put to good use. The AML Program is committed to helping out with this project in providing technical documents, project management for the waste rock removal, and other assistance where they can. The AML Program no longer has the resources to undertake hardrock abandoned mine projects, and Trout Unlimited has stepped forward to raise money and fill this critical need to restore the Little Blackfoot drainage.

Funding from the Future Fisheries Program is critical for Trout Unlimited to pick up this project where the AML Program left off and we strongly support this grant application. Please let me know if you have any questions and we thank you for your consideration.

Sincerely,

Jenny Chambers
Remediation Division Administrator
JChambers@mt.gov
(406)444-6383

Rob Roberts

From: Coleman, Autumn <AColeman@mt.gov>
Sent: Monday, November 30, 2015 12:25 PM
To: Rob Roberts
Subject: Future Fisheries Support Letter
Attachments: TU Letter.pdf

Hi Rob, attached is DEQ's support letter for the Lily/Orphan Boy Mine Reclamation Project. To clarify a point in her letter, the AML Program is sharing project management duties with Trout Unlimited because we have likely secured Orphan Share funding for the waste rock removal portion of the project. The funds would only cover waste rock removal and not the restoration portion of Telegraph Creek. I hope my email can provide clarification on the letter.

Thanks!

Autumn Coleman
Abandoned Mine Lands Program Manager
Montana Department of Environmental Quality
406.444.6555 (office)
406.431.1597 (cell)

USDA United States Department of Agriculture | Forest Service | Helena National Forest, Helena Ranger District | 2880 Skyway Drive, Helena, MT 59602, (406) 449-5201

November 24, 2015

Future Fisheries Citizens Review Panel
Montana Fish, Wildlife & Parks,
Habitat Bureau
Fisheries Division
1420 East 6th Avenue
P.O. Box 200701
Helena, MT 59620-0701

Dear Members of the Future Fisheries Citizen Review Panel:

RE: Telegraph Creek – Lilly Orphan Boy Mine Reclamation Project

The Helena National Forest has been working with Trout Unlimited, the Deer Lodge Valley Conservation District, Montana Fish, Wildlife and Parks, and Montana Department of Environmental Quality (DEQ) in a comprehensive effort to improve fish habitat to benefit native species, reduce impacts of legacy mining sites on water quality, and reduce anthropogenic sediment delivery to streams in the upper Little Blackfoot River drainage. We are looking forward to the initiation of construction in summer 2016 on the Lilly Orphan Boy Mine Reclamation Project, led by Trout Unlimited and Montana DEQ's Abandoned Mine Lands Section. This project includes both mine-site remediation and stream channel and riparian restoration. Actions include removing roughly 3,500 cubic yards of waste rock from Telegraph Creek, its floodplain, and the adjacent hillside, transporting waste material to a repository, and restoration of about 300 linear feet of stream channel and floodplain.

This project is designed to reduce impacts from abandoned mine lands and benefit stream and riparian habitat for westslope cutthroat trout in a drainage where improvement in water quality and habitat will provide greater security for native species, as well as address water quality and habitat impairments identified in the Little Blackfoot River sediment and metals TMDL. This project appears to be an ideal fit for Resource Indemnity Trust funding through the Future Fisheries Program. Thank you for considering this project for cost-share funding.

Sincerely,

Acting District Ranger

HEATHER DEGEEST
Helena District Ranger

cc: Rob Roberts, Montana Trout Unlimited
Dave Callery, Watershed Program Manager
Steve Opp, Minerals/Geology Program Manager
George Liknes, Aquatics Program Leader